Approved Code No. 194—Amendment No. 2 Registry No. 210—01

NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

BLOUSE AND SKIRT MANUFACTURING INDUSTRIES

AS APPROVED ON APRIL 2, 1935

UNITED STATES
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AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

BLOUSE AND SKIRT MANUFACTURING INDUSTRIES

As Approved on April 2, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE BLOUSE AND SKIRT MANUFACTURING INDUSTRIES

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of two amendments to a Code of Fair Competition for the Blouse and Skirt Manufacturing Industries, and hearings having been duly held thereon and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendments be and they are hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendments to take effect twenty (20) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
April 2, 1935.

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REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: A public hearing was called on October 26, 1934, to discuss amendments to the Code of Fair Competition for the Blouse and Skirt Manufacturing Industries. The hearing subsequently adjourned to November 16, 1934, and to December 3, 1934, and again to December 17, 1934, at which date the amendments were properly heard.

Following the hearing, the amendments were revised upon the basis of facts presented and in accordance with the suggestions of the various Advisory Boards, the Legal Division, and the Division of Research and Planning of the National Industrial Recovery Administration.

Article III was amended by adding thereto a new Section, 6–A, which provided for a wage differential for operators or ironers certified to be of very low productive capacity.

Article III was further amended by adding thereto a new Section 9, which provides that a manufacturer or jobber shall be liable for any underpayment made to a contractor if claim for such underpayment is filed by such contractor within three weeks of the date following the customary accounting settlement period.

In accordance with the counsel of the Legal Division, notices of Opportunity to be Heard will be printed and distributed in the same manner as notices of Public Hearing. A specified date is set forth in such notices, by which time objections and criticisms are to be received relative to these amendments.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendments to said Code having found as herein set forth and on the basis of all proceedings in this matter:

The National Industrial Recovery Board finds that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the purpose of cooperative action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increased purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating Industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10, thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendments on behalf of the Industry as a whole.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process will not have been deprived of the right to be heard prior to the effective date of these amendments.

For the National Industrial Recovery Board:

W. A. Harriman,
Administrative Officer.

April 2, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BLOUSE AND SKIRT MANUFACTURING INDUSTRIES

Amend Article III, by the addition of a new Section to be known as 6–A, reading as follows:

In the blouse industry an individual operator or ironer, who is certified to be of very low productive capacity, may be employed at a wage less than the minimum wage prescribed for said worker in Article III, Section 3–A, provided:

(1) That at least 50% of the workers in the same class in an individual plant earn more than the minimum wages prescribed for said class:

(2) That the regular piece rates, where such exist, shall be paid to such workers, and that the wages to be paid to such workers of very low productive capacity shall not be less than 75% of the minimum wages prescribed for the class to which said worker belongs; or less than $14.00 per week in cities having more than 250,000 population, and in New York City, or less than $12.00 per week in cities having a population of 250,000 or less—in those cases where 75% of the prescribed minimum wage would yield less than $14.00 per week or $12.00 per week.

(3) In any one plant the total number of workers in any one of the above named classes receiving less than the minimum wages prescribed for said class shall not exceed 20% of the total number of workers in said class whether the exemption from the minimum rate of wages is based upon the exemption allowed for learners in Section 5, for employees of limited earning capacity in Section 6, or for very low productive capacity provided for above.

(4) Each employer shall submit the names of workers claimed to be of very low productive capacity to an Exemption Committee or to the Labor Complaints Committee for certification as to their very low productive capacity.

The Labor Complaints Committee shall issue certificates of very low productive capacity for the individual workers to their employers. Pending recognition of a Labor Complaints Committee by the National Industrial Recovery Board, an Exemption Committee shall be appointed immediately. Said Exemption Committee shall consist of four (4) members. The Code Authority shall appoint two members to represent employers, and the Labor Advisory Board of the National Recovery Administration shall appoint two members to represent employees.

The members of the Exemption Committee shall designate an impartial chairman to whom any matters of disagreement on classification of workers of very low productive capacity shall be referred, and the decision of the impartial chairman shall be binding upon said Exemption Committee.

All exemptions granted by the Labor Complaints Committee or by the Exemption Committee shall be subject to disapproval by the National Industrial Recovery Board.

Amend Article III by the addition of a new section, to be known as Section 9, reading as follows:

When a contractor establishes that there has been an underpayment by any manufacturer and/or jobber under the provisions of this Article, such manufacturer and/or jobber shall be liable for such underpayment. The contractor must file his claim within three weeks of the date following the customary accounting settlement period. Failure of the contractor to file the claim as aforesaid shall deprive the contractor of any right to make claim for underpayment subsequent to the said period of three weeks. When any such claim for underpayment has been made by any contractor, such contractor shall open for inspection his books of account bearing on such claim.

This section shall not be construed as diminishing or limiting the rights of any employee to any claim for underpayment against the party or parties who caused such underpayment to the extent of their underpayment.

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